

In the United States District Court
for the Southern District of Texas
Corpus Christi Division

Ronald Elizondo, Sr., and ,	§	
Maria Elizondo, Individually	§	
and on Behalf of the Estate of	§	
Ronald Elizondo, Jr., Deceased;	§	
<i>Plaintiffs,</i>	§	Civil Action No. 2: 20-cv-191
v.	§	
	§	Jury
Donald Hinote and the Texas	§	
Department of Public Safety	§	
<i>Defendants.</i>	§	

Defendant Hinote's Original Answer

Texas Department of Public Safety Trooper Donald Hinote files this answer, denying all allegations except those expressly admitted. Trooper Hinote asserts his entitlement to qualified immunity, official immunity and the statutory immunity provided by the Texas Civil Practice and Remedies Code Section 101.106. He demands a jury. Trooper Hinote will address each paragraph in the order contained in the complaint:

Paragraph 1:	Defendant lacks sufficient knowledge to admit or deny ¶ 1 at this time.
Paragraph 2:	No response required.
Paragraph 3:	Defendant lacks sufficient knowledge to admit or deny ¶ 3 at this time.
Paragraphs 4-5:	Defendant admits.
Paragraphs 6-7:	Defendant denies.
Paragraph 8:	Defendant lacks sufficient knowledge to admit or deny ¶ 8 at this time.
Paragraphs 9:	Defendant admits the events underlying Plaintiffs' complaint occurred in Nueces County, Texas, and venue is proper in the U.S. District Court for the Southern District of Texas, Corpus Christi Division.

Paragraph 10: Defendant lacks sufficient knowledge to admit or deny ¶ 10 at this time.

Paragraph 11: Defendant admits.

Paragraphs 12-14: Defendant lacks sufficient knowledge to admit or deny ¶¶ 12-14 at this time.

Paragraphs 15-16: Defendant denies.

Paragraph 17: Defendant admits the first three sentences of ¶ 17. Defendant admits that the Nueces County Grand Jury declined to return an indictment against Trooper Hinote.

Paragraph 18: Defendant admits he was suspended without pay for one (1) day but denies the remainder of ¶ 18.

Paragraph 19: Defendant admits he accrued overtime hours during the time period identified in ¶ 19, but denies the remainder of ¶ 19.

Paragraphs 20-34: Defendant denies.

Paragraphs 35-38: Defendant lacks sufficient knowledge to admit or deny ¶¶ 35-38 at this time.

Paragraph 39: Defendant denies.

Paragraphs 40-41: Defendant lacks sufficient knowledge to admit or deny ¶¶ 39-40 at this time.

Paragraphs 42-43: No response required.

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

JEFFREY C. MATEER
First Assistant Attorney General

DARREN L. MCCARTY
Deputy Attorney General for Civil
Litigation

SHANNA E. MOLINARE
Chief, Law Enforcement Defense Division

/s/ Seth Byron Dennis
SETH BYRON DENNIS
Attorney-in-Charge
Assistant Attorney General
Texas State Bar No. 00790580
seth.dennis@oag.texas.gov

/s/ Kelsey L. Warren
KELSEY L. WARREN
Assistant Attorney General
Texas State Bar No. 24095736
kelsey.warren@oag.texas.gov

Law Enforcement Defense Division
Office of the Attorney General
P. O. Box 12548, Capitol Station
Austin, Texas 78711
(512) 463-2080 / Fax No. (512) 370-9814

Attorneys for the Defendants

Notice of Electronic Filing

I, Seth Byron Dennis, Assistant Attorney General of Texas, do hereby certify that I have electronically submitted for filing, a true and correct copy of the above and foregoing in accordance with the Electronic Case Files System, on July 24, 2020.

/s/ Seth Byron Dennis
SETH BYRON DENNIS
Assistant Attorney General

Certificate of Service

I, Seth Byron Dennis, Assistant Attorney General of Texas, do hereby certify that a true and correct copy of the above and foregoing has been served by email on July 24, 2020., addressed to Plaintiffs' Counsel James "Wes" Bearden at wes@beardenlawfirm.com.

/s/ Seth Byron Dennis
SETH BYRON DENNIS
Assistant Attorney General